

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Leroy Alonzo McElveen

Crim. No. 4:03-cr-00651-TLW-2

Order

This matter is before the Court on Defendant's motion to appoint counsel in his case for purposes of filing a habeas petition in light of *United States v. Davis*, 139 S. Ct. 2319 (2019). While an important matter, the Court concludes that Defendant is not entitled to the appointment of counsel in this case, as the caselaw states that there is no general right to appointment of habeas counsel, and in consideration of the caselaw, it is appropriate to find that he has not set forth an adequate basis to support the appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) ("We have never held that prisoners have a constitutional right to counsel when mounting collateral attacks upon their convictions . . . and we decline to so hold today."). The Court also notes that he has previously filed a 28 U.S.C. § 2255 petition and has not received permission from the Fourth Circuit to file a successive petition. Accordingly, his motion to appoint counsel, ECF No. 176, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

July 23, 2020
Columbia, South Carolina